

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KRAMER & FRANK, P.C., )  
Plaintiff/ )  
Counterdefendant. )  
v. ) Case No. 4:05CV2395 RWS  
KEVIN WIBBENMEYER, et al., )  
Defendants/ )  
Counterclaimants. )

**MEMORANDUM AND ORDER**

On January 2, 2006, Defendants filed a Counterclaim against Plaintiff. On February 10, 2006, Plaintiff filed a motion to dismiss or for a more definite statement as to Defendants Counterclaim. On February 16, 2006, Defendants filed a motion for partial summary judgment. On March 2, 2006, I granted Plaintiff's motion for a more definite statement and ordered Defendants to submit a counterclaim in compliance with the Federal Rules within ten days of the date of that Order.

Plaintiff has now moved for an extension of time to respond to Defendants' motion for summary judgment. However, because I granted Plaintiff's motion for a more definite statement, there is no basis for Defendants' motion for summary judgment. As a result, I will deny Defendants' motion for summary judgment without prejudice, and I will deny Plaintiff's motion for an extension of time as moot.

Accordingly,

**IT IS HEREBY ORDERED** that Defendants' motion for summary judgment [#9] is **DENIED** without prejudice.

**IT IS FURTHER ORDERED** that Plaintiff's motion for an extension of time [#12] is  
**DENIED** as moot.

Dated this 9th day of March, 2006.



RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE